

Agenda Item	
A-1	No one wished to be heard during the Open Comment Period.
B-1	President John Hunziker called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Dennis Hanson, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki, Walter Stobaugh. Absent: None. Also present: Mayor Ardell F. Brede and Mayor for a Day Maureen Maas
C-1	<p>Mayor Brede introduced Maureen Maas as the recipient of the Winterfest Mayor for A Day fundraiser for Possibilities organization.</p> <p>Ms. Maas read a Proclamation regarding downtown parking. The proclamation stated that wait staff in the downtown area were to receive free parking at meters and public ramps and free transport on the city bus lines for Friday, March 19, 2004.</p> <p>Acknowledgement of Max Elder, Scout Troop #186, working on his Eagle Scout Citizenship badge was noted.</p>
D-1,2,4-27 &29	Councilmembers Hanson moved, Nowicki seconded, to approve the following consent agenda items.
D-1	Approved the minutes of the March 1, 2004, Council meeting.
D-2	Approved the appointment of Jerry Kvasnicka to the Rochester Civic Music Board expiring December 2006.
D-3	See at end of D items.
D-4	Adopted Resolution No. 113-04 approving the City Technology Policy and its provision that beginning June 1, 2004, all e-mail messages will be deleted after 60 days, whether opened or unopened.
D-5	Adopted Resolution No. 114-04 approving the offer of \$14,000 to the State of Minnesota to acquire Parcel F of the Gordy Yeager Wildlife Management Area and to have the Mayor and City Clerk execute the required documents upon approval by the State of Minnesota.
D-6	<p>Approved the following licenses and miscellaneous activities.</p> <p><u>Sidewalks – Cement</u> Scott Shones, Hammond</p> <p><u>Dance – Temporary</u> Save the Silver Lake Pool Fundraiser – Dance at Graham Arena West – March 27, 2004 (Applicants are requesting waiver of the application fee of \$15.00). Alfredo Flores, Red Wing – Public Dance at Graham Arena – April 10, 2004.</p>

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	<p><u>Sound Amplification Permit</u>  Rochester Golf and Country Club – Private Pool Party – July 23, 2004, 7:00 to 11:00 PM  Southeast Minnesota Alliance of Peacemakers – Rally for Global Action Day Against War and Occupation – Peace Plaza – 11:00 AM – 2:00 PM – March 20, 2004.</p> <p><u>Miscellaneous Activities</u>  Rochester Track Club – Dr. Steven Fetzer Memorial 20K and 20-Mile Fun Run – April 10, 2004 – 9:00-11:30 AM  Rochester Track Club – Running Event – May 15, 2004 – 5:30-12 Noon  Paws &amp; Claws Humane Society – Pet Walk Fundraiser – May 1, 2004 – 9:00 AM-2:00 PM  Southeast Minnesota Alliance of Peacemakers – Rally for Global Action Day Against War and Occupation – Peace Plaza – 11:00 AM – 2:00 PM – March 20, 2004.</p>
D-7	Adopted Resolution Nos. 115-04 and 116-04 accepting 2004 Seasonal supply for Asphalt Materials from Koch Materials Co. and Marathon Ashland.
D-8	Adopted Resolution Nos. 117-04 and 118-04 accepting 2004 Seasonal Supply of Aggregate Materials from Shamrock Enterprises and Milestone Materials.
D-9	Adopted Resolution No. 119-04 accepting 2004 Seasonal Supply for Bituminous Materials from Rochester Sand and Gravel.
D-10	Adopted Resolution No. 120-04 accepting 2004 Seasonal Supply for Ready-Mix Concrete to Leitzen Concrete.
D-11	Approved Accounts Payable in the amount of \$4,978,421.97 and Investment Purchases of \$9,499,033.46.
D-12	Approved the appointment of Jason Moritz to the position of Firefighter in the Rochester Fire Department on completions of conditions.
D-13	Approved the appointment of James McCoy to the position of Firefighter in the Rochester Fire Department on completions of conditions.
D-14	Approved the Zoning District Amendment #01-16 amending the floodplain boundaries associated with the North Run of the North Fork of Cascade Creek and instructing the City Attorney to prepare an ordinance supported by findings of facts and conclusions of law.
D-15	Adopted Resolution No. 121-04 approving Orderly Annexation #04-07 by Todd Fiedler to annex approximately 39.54 acres of land located north of 30 <sup>th</sup> Ave. SE, along the west side of Marion Road SE, North of 30 <sup>th</sup> Street SE and northeast of Pinewood Road SE.

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D-16	Adopted Resolution No. 122-04 approving Joint Powers Agreement for handling Dangerous Dogs between the City of Rochester and the Town of Marion.
D-17	Approved the transfer of Library Memorial Funds to the Rochester Public Library Foundation.
D-18	Adopted Resolution No. 123-04 approving City/Owner Contract with Silvercrest Properties, Inc. and Weber, Inc. for Project J-5066 "Basic Construction in Fairway Ridge Phase 1 (consisting of proposed Lots 1 & 2, Fairway Ridge) ".
D-19	Adopted Resolution No. 124-04 approving City/Owner Contract with R & L partnership and Fraser Construction, Inc. for Project J-5105, "Basic Construction in Scenic Oaks Third".
D-20	Adopted Resolution No. 125-04 approving City/Owner Contract with BCD Enterprises, LLC and Elcor Construction, Inc. for Project J-5092, "Basic Construction in Barony Woods".
D-21	Adopted Resolution No. 126-04 approving a Revocable Permit for Mayo Foundation allowing the placement of pedestrian guardrail, sprinkler feed, snowmelt system under the sidewalk and way-finding signs within the right-of-way of First Street and Third Avenue SW.
	The work relationship of Councilmember Stobaugh with the Mayo Foundation was noted.
D-22	Adopted Resolution No. 127-04 approving a Development Agreement with Arcon Development for the Forest Knoll Development.
D-23	Adopted Resolution No. 128-04 authorizing the City Clerk to advertise for bids to be opened on April 20, 2004, for Project No. M1-80 (J-9836) "Sanitary Sewer and Watermain Extension to serve the Vandals Subdivision Area".
D-24	Adopted Resolution No. 129-04 accepting the feasibility report and establishing a project hearing for April 19, 2004, for Project No. M4-11 (J-7726) "Sanitary Sewer and Watermain Extension to serve the South Frontage Road of TH14 East from the Knights of Columbus Easterly to the Hundred Acre Woods Development".
D-25	Adopted Resolution No. 130-04 approving the Revised Replacement Policy to Mitigate Tree Impact on the Condition of Public Sidewalks.
D-26	Adopted Resolution No. 131-04 authorizing an Engineering Services Agreement with Bonestroo, Rosene, Anderlik & Associates for a Preliminary Design Analysis and Design Services for Project J-6516, "Rehabilitation and Stabilization of Meadow Run Drainageway."

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D-27	<p>Adopted Resolution No. 132-04 authorizing the City Clerk to advertise for bids to be opened on April 13, 2004, for Project No. M1-95 (J-9869) "Bear Creek sub-trunkline Sanitary sewer to Serve Portions of Sewer District 16 in Marion Township, Phase 1".</p>
D-29	<p>Adopted Resolution No. 133-04 approving City Policy of not fencing City Storm Water Ponds or Wetlands.</p> <p>Ayes, (7), Nays (0). Motion carried.</p>
D-3	<p>Councilmember Marcoux explained the TEA-21 Federal Legislation policy that generated the request for a resolution and asked Council approval.</p> <p>Councilmember Marcoux moved, Hanson seconded to adopt Resolution No.134-04 supporting TEA-21 legislation in the Senate providing for increased transportation funding for Minnesota, Olmsted County and the City of Rochester. Ayes, (7), Nays (0). Motion carried.</p>
D-28	<p>Councilmember Marcoux moved, Nowicki seconded to table the Private Residential Storm Water Pond Transfer/Maintenance Policy to discuss at a Committee of the Whole. Ayes (7), Nays (0). Motion carried.</p>
E-1	<p>A Continued Hearing on Vacation Petition #03-10, Marigold Foods, LLC to vacate right of way located west of West Silver Lake Drive and south of 5<sup>th</sup> Street NE.</p> <p>Councilmember Nowicki moved, Stobaugh seconded, to continue the hearing on Vacation Petition #03-10, Marigold Foods, LLC to the April 5, 2004 meeting. Ayes (7), Nays (0). Motion carried.</p>
E-2	<p>A Hearing on Land Use Plan Amendment #03-09 by Robert Sawinski to change from Low Density Residential to Medium Density Residential on property located east of the TH52 East Frontage Road, North of 26<sup>th</sup> Street NW and south of 30<sup>th</sup> Place NW.</p> <p>President Hunziker opened the Hearings for Items E-2, E-3 and E-4 saying the testimony taken in Item E-2 pertained to all three.</p> <p>Wishing to be heard was Reverend Tom Wilson, 2828 19<sup>th</sup> Ave. NW, expressed his concerns regarding increased traffic during construction. He stated with Rochester Title doing business on this road this is a high traffic area with narrow roads. He would like to see another access to this area.</p> <p>Wishing to be heard was Mark Welch, GGG Development, 14070 Hwy 52 SE, Chatfield, representing the developer. Mr. Welch stated they are working with staff and the adjoining property owners for a future access to this area. He stated they are willing to use a different access for a portion of the construction vehicles. They are also working on the storm water grading with staff and property owners.</p>

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Wishing to be heard was Wesley Duellman, 1832 28<sup>th</sup> Street NW, stated his concern for the increased traffic and the narrow roads. He felt the traffic reports were inaccurate or outdated.

Staff stated the ADT threshold numbers regarding traffic was conducted by the industry standard at 7.75 trips per day for these types of uses. At that rate there is adequate traffic capacity on the existing streets for the project. This is still a concern for all residents in attendance.

Wishing to be heard was Beverly Hanson, 2842 19<sup>th</sup> Ave. NW. She stated her concern with construction deliveries using semi trailers on the existing road because of it being so narrow.

Having no one further wishing to be heard, President Hunziker closed the hearing.

Mike Nigbur, Public Works, explained the future official street map and the different ways this will be constructed. He stated the developer could build the street in their own time frame at their cost or have the city initiate the road construction and charge back to the developer and/or landowners at a future date.

Mr. Welch explained that with the grade change at this site, that semi trailers would not be able to maneuver the road at 29<sup>th</sup> Place, but the construction trucks could use the frontage road across the easement on Mr. Park's property.

Mitzi Baker, Planning Department, explained that there are two separate parts to the project and the north half is the project before the council tonight. This includes the LUP, the Zoning Change and GDP. The south half has been approved in the preliminary plat.

Richard Freese, Public Works Director, mentioned that the construction of 19<sup>th</sup> Ave. to 30<sup>th</sup> Place would require the city to establish right-of-way through dedication or condemnation. He suggested regulating the residents concern about congestion on 28<sup>th</sup> Street and 19<sup>th</sup> Ave. with parking restrictions.

Councilmember McConnell moved, Nowicki seconded to adopt Resolution No. 135-04 approving the Land Use Plan Amendment #03-09 by Robert Sawinski to change from Low Density Residential to Medium Density Residential on property located east of the TH52 East Frontage Road, North of 26<sup>th</sup> Street NW and south of 30<sup>th</sup> Place NW and instructing the City Attorney to prepare Findings of Facts and Conclusions of Law and Order. Ayes (7), Nays (0). Motion carried.

E-3

A Hearing on Zoning District Amendment #03-28 by Robert Sawinski to change from R-2 to R-3 on property located east of the TH52 East Frontage Road, north of 26<sup>th</sup> Street NW and south of 30<sup>th</sup> Place NW.

Testimony taken and considered under Item E-2.

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E-4	<p>Councilmember Nowicki moved, Marcoux seconded to approve Zoning District Amendment #03-28 by Robert Sawinski to change from R-2 to R-3 on property located east of the TH52 East Frontage Road, north of 26<sup>th</sup> Street NW and south of 30<sup>th</sup> Place NW, and instructed the City Attorney to prepare required ordinance for adoption. Ayes (7), Nays (0). Motion carried.</p> <p>A Hearing on General Development Plan #226 by Robert Sawinski to be known as Sawinski Pines on property located east of the TH52 East Frontage Road, north of 26<sup>th</sup> Street NW and south of 30<sup>th</sup> Place NW.</p> <p>Testimony taken and considered under Item E-2.</p> <p>Councilmember Stobaugh moved, Means seconded to approve General Development Plan #226 by Robert Sawinski to be known as Sawinski Pines on property located east of the TH52 East Frontage Road, north of 26<sup>th</sup> Street NW and south of 30<sup>th</sup> Place NW with three conditions on original RCA and the following additional condition: Developer will use the 29<sup>th</sup> Place Easement as haul road for those vehicles capable of using the road and instructed the City Attorney to prepare Findings of Facts and Conclusions of Law and Order. Ayes (7), Nays (0). Motion carried.</p> <p>Councilmember Marcoux moved, McConnell seconded to request the Public Works Department to conduct a parking restriction survey of residents and refer back to the council with the results within the next month. Ayes (7), Nays (0). Motion carried.</p>
E-5	<p>President Hunziker opened the hearings for Items, E-5, E-6 and E-7 saying that the testimony taken in Item E-5 pertained to all three.</p> <p>A Hearing on Land Use Plan Amendment #04-01 by Ragan Properties to change from Medium Density Residential to Commercial on property located on the east side of Wellner Drive NE, west of 6<sup>th</sup> Avenue NE and north of the Rocky Creek Estates Trailer Court.</p> <p>A Hearing on Zoning District Amendment #04-02 by Ragan Properties to change from R-1 to B-4 on property located on the east side of Wellner Drive NE, west of 6<sup>th</sup> Avenue NE and north of the Rocky Creek Estates Trailer Court.</p> <p>A Hearing on General Development Plan #230 by Ragan Properties on property located on the east side of Wellner Drive NE, west of 6<sup>th</sup> Avenue NE and north of the Rocky Creek Estates Trailer Court.</p> <p>Wishing to be heard was Josh Johnson, McGhie and Betts, Inc. representing the developer. Mr. Johnson stated they were in agreement with the conditions and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearings.</p>

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	<p>Councilmember Nowicki moved, Stobaugh seconded to adopt Resolution No. 136-04 approving the Land Use Plan Amendment #03-01, Zoning District Amendment #04-02 and General Development Plan #230 by Ragan Properties in Block and instructing the City Attorney to prepare the required ordinance and Findings of Facts and Conclusions of Law and Order. Ayes (7), Nays (0). Motion carried.</p>
E-6	<p>Testimony taken and action considered under Item E-5.</p>
E-7	<p>Testimony taken and action considered under Item E-5.</p>
E-8	<p>A Hearing on Zoning District Amendment #04-03 by Kevin Taylor to rezone 1.32 acres from H zone to M-1 located south side of 19<sup>th</sup> Street NW, east of Whitings Nursery and west of 19<sup>th</sup> Street Business Park.</p> <p>Councilmembers Marcoux moved, Stobaugh seconded to continue the hearing on Zoning District Amendment #04-03 by Kevin Taylor to April 4, 2004 meeting. Ayes (7), Nays (0). Motion carried.</p>
E-9	<p>A Hearing on General Development Plan #231 to be known as Taylor Commercial Property and Zoning District Amendment #04-03 on property located south side of 19<sup>th</sup> Street NW, east of Whitings Nursery and west of 19<sup>th</sup> Street Business Park.</p> <p>Councilmembers Nowicki moved, Marcoux seconded to continue the hearing on General Development Plan #231 to be known as Taylor Commercial Property and Zoning District Amendment #04-03 to April 5, 2004. Ayes (7), Nays (0). Motion carried.</p>
E-10	<p>A Hearing on Zoning District Amendment #04-01 by Clint and Shelly Tagtow to rezone the Homestead Motel from R-1 to B-1 located east side of Marion Road and south of 16<sup>th</sup> Street SE.</p> <p>Wishing to be heard was Clint Tagtow, 3427 Lake Street SE, owner of the property. Mr. Tagtow was present to answer any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Stobaugh moved, Nowicki seconded to approve the Zoning District Amendment #04-01 by Clint and Shelly Tagtow and instructed the City Attorney to prepare Findings of Facts and Conclusions of Law and Order. Ayes (7), Nays (0). Motion carried.</p>
E-11	<p>A Hearing on General Development Plan #228 by Clint and Shelly Tagtow to be known as Homestead Motel located along the east side of Marion Road and south of 16<sup>th</sup> Street SE. (1600 Marion Road SE)</p> <p>Having no one wishing to be heard, President Hunziker closed the hearing.</p>

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E-12	<p>Councilmember Nowicki moved, Stobaugh seconded to approve General Development Plan #228 by Clint and Shelly Tagtow to be known as Homestead Motel with two conditions and instructed the City Attorney to prepare Findings of Facts and Conclusions of Law and Order. Ayes (7), Nays (0). Motion carried.</p> <p>A Hearing on General Development Plan #227 by Cassidy Land Development LLC to be known as Cassidy Hills and Design Modification #04-01 located northeast of East Circle Drive, north of Century High School and the Emerald Hills development and east of the Stonehedge development.</p> <p>Wishing to be heard was Wade DuMond, Yaggy Colby Associates, representing the developer. He stated he was in agreement with the conditions and was available for any questions.</p> <p>Wishing to be heard was James Odland, 3736 47<sup>th</sup> Ave. South, Minneapolis, MN 55406. Mr. Odland owns the property north of this development. He stated that there is a problem with the existing water retention pond that has caused erosion to the point of having a large hole eroded on his property.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing. Doug Nelson, Public Works Department, addressed the pond issue and will work with the county and the developer towards a solution to the problem.</p> <p>Councilmembers Hanson moved, Nowicki seconded, to approve the General Development Plan #227 by Cassidy Land Development LLC to be known as Cassidy Hills and Design Modification #04-01 with eight conditions and instructed the City Attorney to prepare Findings of Facts and Conclusions of Law and Order. Ayes (7), Nays (0). Motion carried.</p>
E-13	<p>A Hearing on Preliminary Plat #04-04 by Century Point, LLC to be known as Century Point Second located east side of East Circle Drive and north of Century Valley Road NE And is west of Century Hills Fifth Subdivision.</p> <p>Wishing to be heard was Wade DuMond, Yaggy Colby Associates, representing the developer. He stated they were in agreement with all the conditions including the revision to #9 and was available for any questions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Hanson moved, Marcoux seconded, to approve the Preliminary Plat #04-04 by Century Point, LLC to be known as Century Point Second with 11 conditions, with revised #9, and instructed the City Attorney to prepare Findings of Facts and Conclusions of Law and Order. Ayes (7), Nays (0). Motion carried.</p>
G-2a	<p>An Ordinance Amending the Floodway and Flood Plain Overlay Zoning Districts Incorporated into the Rochester code of Ordinances, Relating to the Re-Designation of Flood Plain Boundaries Associated with the North Run of the North Fork of Cascade Creek, was given a first reading. (Zoning District Amendment #01-16 - north of 19<sup>th</sup> Street NW and west of West Circle Drive NW)</p>



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G-2b	An Ordinance Establishing an Interim Zone District on Undeveloped Land upon its Annexation to the City of Rochester, and Emending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (Orderly Annexation #04-07 – Part of the N ½ of the SE ¼ Section 17, Marion Township)
G-2c	An Ordinance Rezoning Approximately 1.9 Acres of Property from the R-2 Zoning District to the R-3 Zoning District, and Amending the Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (Zoning District Amendment #03-28 – east of the TH52 East Frontage Road, north of 26 <sup>th</sup> Street NW and south of 30 <sup>th</sup> Place NW)
G-2d	An Ordinance Rezoning Approximately 2.41 acres of Property from the R-1 Zoning District to the B-4 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (Zoning District Amendment #04-02, east side of Wellner Dr NE, west of 6 <sup>th</sup> Ave. NE and north of the Rocky Creek Estates Trailer Court)
G-2e	An Ordinance Rezoning Approximately .43 Acres of Property from the R-1 Zoning District to the B-1 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a first reading. (Zoning District Amendment #04-01, East side of Marion Road and south of 16 <sup>th</sup> St. SE)
G-3a	An Ordinance Creating and Enacting Subdivision 4 to Section 111A.011 and Amending and Reenacting Sections 111A.014 and 111A.020 of the Rochester Code of Ordinances, Relating to Regulation of Pawnbrokers, was given a second reading. Councilmembers Marcoux moved, McConnell seconded to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.
G-3b	An Ordinance Rezoning approximately 7.12 Acres of Property from the R-1 Zoning District to the R-2 Zoning District, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a second reading. Councilmembers Marcoux moved, McConnell seconded to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (North side of Salem Road SW, west of 34 <sup>th</sup> Ave. SW and east of Westhill Drive SW – Zoning District Amendment #03-27)
G-3c	An Ordinance Amending and Reenacting Section 38.04 of the Rochester Code of Ordinances, Relating to Information to be Provided in the Registration of Rental Units, was given a second reading. Councilmembers Stobaugh moved, Marcoux seconded to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried.

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An Ordinance Establishing a Holding Zone District on 1.32 Acres of Undeveloped Land upon its Annexation to the City of Rochester, and Amending Ordinance No. 2785, Known as the Zoning Ordinance and Land Development Manual of the City of Rochester, Minnesota, was given a second reading. Councilmembers Marcoux moved, McConnell seconded to adopt the Ordinance as read. Ayes (7), Nays (0). Motion carried. (South side of 19<sup>th</sup> Street NW, east of West Circle Drive, and west of 19<sup>th</sup> Street Business Park)

Having no further business, Councilmembers Marcoux moved, McConnell seconded to recess the meeting to March 22, 2004. Ayes (7), Nays (0). Motion carried.

  
Deputy City Clerk